UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL

Distr.
LIMITED
E/CN.14/ACTT/12/Rev.1
14 November 1977
Original: ENGLISH

ECONOMIC COMMISSION FOR AFRICA

Meeting of Plenipotentiaries on the African Centre for the Development, Transfer and Adaptation of Technology

Kaduna, Nigeria, 10 - 14 November 1977

REPORT OF THE MEETING OF PLENIPOTENTIARIES ON THE AFRICAN CENTRE FOR THE DEVELOPMENT, TRANSFER AND ADAPTATION OF TECHNOLOGY

Opening and duration of the meeting

1. The meeting of Plenipotentiaries on the African Regional Centre for the Development, Transfer and Adaptation of Technology was held in Kaduna, Nigeria, from 10 to 14 November 1977.

Attendance

2. The meeting was attended by representatives of the following ECA member States: Benin, Botswana, Burundi, Egypt, Ethiopia, Equatorial Guinea, Ghana, Kenya, Liberia, Mauritius, Nigeria, Rwanda, Senegal, Sierra Leone, the Sudan, Tunisia, Uganda, the United Republic of Tanzania, Zaire and Zambia.

3. The meeting was also attended by representatives of the United Nations Development Programme (UNDP), the United Nations Industrial Development Organization (UNIDO), the United Nations Conference on Trade and Development (UNCTAD), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the World Intellectual Property Organization (WIPO).

Opening address

4. Mr. Adebayo Adedeji, the Executive Secretary of the Economic Commission for Africa, opened his address by welcoming the representatives of the ECA member States and of the above-mentioned United Nations bodies to the meeting which had been convened to take decisions on the establishment of an African regional centre for the development, transfer and adaptation of technology.

5. The Executive Secretary reminded the participants that the meeting owed its origin to resolution 87 (IV) adopted at the fourth session of the United Nations Conference on Trade and Development in Nairobi in May 1976, in which ECA and OAU in collaboration with UNCTAD, UNIDO, UNESCO and WIPO had been requested to convene a meeting of plenipotentiaries in 1977 to establish an African centre for the development, transfer and adaptation of technology. Pursuant to this decision ECA had engaged in consultations with OAU and the

E/NAIROBI

relevant United Nations bodies and had decided to carry out a series of preparatory activities which included the organization of an interagency mission to seventeen African countries between April and July 1977 and the convening of an interagency meeting and an intergovernmental meeting of experts in September and October 1977, respectively, to review the report of the mission. The results of all those activities had been communicated to member States. He expressed his gratitude to UNDP for its substantial financial support and to the other United Nations bodies associated with the project for their close co-operation with ECA in carrying out their necessary activities in connexion with the establishment of the Centre.

6. The Executive Secretary then described at some length the critical role of technology in the development process and urged the African Governments to take definite steps in terms of policy, institutions, manpower development and other factors which would ensure that science and technology truly took root within their societies. He urged African Governments to make clear provisions for the blossoming of technology and its appropriate utilization. He drew the attention of the plenipotentiaries to the ongoing debate at international level aimed at correcting the existing conventions governing those technological markets which the developing countries wished to break into and advised them that African countries needed to prepare themselves to interpret and make use of the international agreements expected to emerge from those consultations. The emergence of such agreements demanded a clear understanding, at the national level, of the complex issues involved in the transfer of technology and in the preparation of the requisite manpower for the various fields of expertise in connexion with it. He particularly urged the African Governments to accord appropriate attention to the development of technology within their countries as continued reliance on imported technology was likely to lead to increased technology dependence.

7. Finally he drew the attention of the participants to the key recommendations of the interagency mission regarding action at the national, regional and international levels aimed at attaining a greater measure of technological self-reliance. The proposed centre had the major task of helping African countries to increase their technological capability. Once it was established, he believed it would justify its existence very quickly; and he therefore urged the African countries to expedite its creation.

Election of officers

8. The meeting unanimously elected Mr. A. Joda (Nigeria) as Chairman, Mr. S. Kimalel (Kenya) as First Vice-Chairman, Mr. J.M.V. Nyalihama (Rwanda) as Second Vice-Chairman and Mr. Y.M. Hussein (Egypt), as Rapporteur.

Adoption of the agenda

9. The meeting unanimously adopted the following agenda:

1. Opening of the meeting
2. Election of officers
3. Adoption of agenda and organization of work
4. Consideration of the recommendations of the Intergovernmental Meeting of African Experts on the Establishment of an African Regional Centre for the Development, Transfer and Adaptation of Technology

5. Adoption of report on the regional centre

6. Signing of the Constitution of the Centre

7. Any other business

Consideration of the recommendations of the Intergovernmental Meeting of African Experts on the Establishment of an African Regional Centre for the Development, Transfer and Adaptation of Technology (agenda item 4)

10. At the invitation of the Chairman, the leader of the interagency mission explained the steps which had led to its establishment for the purpose of carrying out the basic groundwork in connexion with the proposed African regional centre for technology. He explained how the mission had been organized and outlined its activities in the countries visited. He then drew attention to some of the main features of the mission's report (E/CN.14/ACTT/1 - E/CN.14/ECO/122) and to the recommendations it contained for action at the national, regional and international levels.

11. The participants then proceeded to consider the draft Constitution of the African Regional Centre for Technology as recommended by the Intergovernmental Meeting of African Experts (E/CN.14/ACTT/5/Annex I).

12. While agreeing with a suggestion that the African Regional Centre for Technology should have subregional centres, the meeting decided that the matter needed not be reflected in the Constitution for the Centre. It was for the Council of the Centre to decide on the establishment of such subregional centres in due course. It was, however, felt that in the meantime the Secretariat of the Centre should monitor developments at the subregional and national levels.

13. Subject to those observations the Meeting of Plenipotentiaries adopted the Constitution for the African Regional Centre for Technology after amending it in various places. The final version of the Constitution is annexed to this report.

Work programme, staffing and financing of the Centre

14. A number of participants made preliminary comments on the work programme, staffing and financing of the Centre. The Meeting of Plenipotentiaries noted the various comments and agreed that the Council would consider them in detail.

15. In connexion with a proposal by a participant that the Economic Commission for Africa should be authorized by the Meeting to request African Governments to make token financial contributions to the Centre so as to enable it embark on its work without undue delay, the Executive Secretary pointed out that several member States had already made pledges to finance ECA programmes at the Lagos Conference and said it might be inopportune to call upon them to provide ad hoc funding for the Centre. He hoped that UNDP and other United Nations organizations and agencies would be willing to provide seed-money to the Centre so as to enable it to embark on its activities. The Council would undoubtedly determine the extent of financial responsibility to be assumed by the individual members of the Centre after the budget for the Centre had been drawn up.

16. The representative of UNDP informed the meeting that the interest of UNDP in the Centre went far beyond the provision of funds since UNDP was concerned with the key issues involved in the creation of the Centre. Nevertheless, he hoped that the African

countries would be able to provide seed-money for the Centre and urged the Meeting of Plenipotentiaries to make some clear indication of the source of financing for the Centre's activities. With regard to the proposed work programme for the Centre for 1979-1982, he suggested that one of the issues on which the Centre should concentrate was the use of consultancy services in the region.

17. The meeting noted those views and decided to refer them to the Council, which would work out a detailed work programme and make financial and budgetary provisions for the Centre's activities, including the allocation of financial responsibilities among the States members of the Centre.

18. The representative of UNIDO suggested that when the work programme, staffing and financing arrangements of the Centre were elaborated, consideration should be given to similar activities being carried out by UNIDO and especially to its training programme.

Location of the Centre

19. The Executive Secretary of ECA reported that the following countries had so far indicated their interest in hosting the Centre: Ethiopia, Ghana, Kenya, Nigeria, Madegascar, the Sudan, the United Republic of Cameroon, the United Republic of Tanzania and Zaire.

20. He also informed the Meeting that the secretariat had circulated a questionnaire to all ECA member States requesting those countries wishing to host the Centre to indicate the services and facilities they were prepared to make available to the Centre. So far only four countries had returned their replies to that questionnaire. In view of the urgency of the matter, the meeting decided that 31 December 1977 should be the deadline for replies to be received by the Executive Secretary and that countries which were unable to meet the new deadline would not be considered for hosting the Centre.

21. In conclusion, the Executive Secretary said that after the deadline for receipt of the questionnaire, he intended to despatch a mission to all those countries wishing to host the Centre to talk with their Governments concerning the facilities and services they were prepared to make available to the Centre. On the basis of the findings of that mission and the replies to the questionnaire, ECA would prepare a paper for consideration at the first meeting of the Council of the Centre.

Staffing and other matters relating to the establishment of the Centre

22. Under this item the Meeting noted the proposals submitted to it by the secretariat and referred them to the Council for its detailed consideration.

Any other business

23. One participant asked the representatives of the United Nations specialized agencies and other United Nations bodies present at the meeting to give some indication of the possibility of their rendering assistance to the Centre.

24. The representative of ILO raised the question of the relationship between the Centre and United Nations bodies dealing with matters of technology. He felt that a suitable mechanism should be established to work out that relationship in detail.

25. The representative of UIPO reminded the meeting that her organization was interested in the African Regional Centre for Technology. UIPO would spell out its contribution to the work of the Centre and the level of its assistance after the Constitution establishing the Centre had been signed.

26. The Executive Secretary of ECA informed the meeting that there would be a second interagency meeting to discuss the relationship between the Centre and United Nations bodies.

27. The representative of the United Republic of Tanzania said that his Government would like to host the first meeting of the Council of the Centre. That offer was accepted by the meeting.

Signing of the Constitution

28. Following the conclusion of the business of the meeting, the Chairman invited representatives of the various countries to sign the Constitution of the Centre. Plenipotentiaries representing the following 12 African countries signed the Constitution in Lugard Hall, Kaduna, on 14 November 1977: Burundi, Egypt, Equatorial Guinea, Ethiopia, Liberia, Mauritius, Nigeria, Rwanda, Senegal, the Sudan, the United Republic of Tanzania and Zaire.

29. After the signing ceremony, the representative of Kenya informed the meeting that his country supported the establishment of the African Regional Centre for Technology and was committed to signing the Constitution of the Centre. However, in view of the amendments introduced in the Constitution his delegation considered it necessary to refer back to his Government. He assured the meeting that his Government would sign the Constitution in due course and reiterated its interest in hosting the Centre.

30. The representative of Senegal informed the meeting that his country was also interested in hosting the Centre and had submitted replies to the questionnaire to ECA.

31. The representative of Egypt expressed his appreciation of the excellent work done so far by the ECA secretariat in connexion with the establishment of the Centre. He urged African Governments to bear the responsibility of ensuring that the Centre flourished.

32. The representative of Ghana expressed his Government's support for the African Regional Centre for Technology and indicated that his Government would sign the Constitution in due course.

33. The representative of UNCTAD reiterated his organization's support of the Centre. He drew the attention of the meeting to the broad range of assistance in the field of technology being offered by UNCTAD to the developing countries and said he hoped the African Regional Centre for Technology and the African Governments would avail themselves of those services.

34. The meeting considered the draft report submitted to it by its Rapporteur and adopted it after making a number of amendments to it.

Closure of the meeting

35. The Chairman, speaking on behalf of the Government of Nigeria, expressed his thanks to the Kaduna state government for providing facilities and services to the Meeting of Plenipotentiaries. He also joined other delegates in expressing his gratitude to the Executive Secretary of ECA and Mr. Lartey the leader of the mission, for the effort they had made towards the establishment of the Centre. He also expressed thanks to all the other members of the secretariat who had assisted in the organization of the meeting. Finally he declared the meeting closed at 12.40 p.m.

CONSTITUTION OF THE AFRICAN REGIONAL CENTRE FOR TECHNOLOGY

Preamble

The Governments of the African States on whose behalf this Constitution is signed,

Being aware of the advantage to be derived by them from the effective development, transfer and adaptation of technology under the most favourable conditions,

Recognizing that the establishment of an African regional centre for technology which could assist African Governments in the formulation and implementation of related policies and in the establishment and strengthening of national technological institutions would best serve this purpose,

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

Establishment

The African Regional Centre for Technology (hereinafter referred to as "the Centre"), is hereby established and shall operate in accordance with the provisions of this Constitution.

ARTICLE 2

Objectives of the Centre

The objectives of the Centre shall be to:

(a) contribute to the development and use of technology within its member States;

(b) Stimulate the awareness of technological development in member States;

(c) strengthen the technological capability of its member States;

(d) promote the use of such technology as is suitable for the development objectives of its member States;

(e) assist within its member States in the formulation of technology policies as an integral part of planned scientific, technological and socio-economic development;

(f) encourage research and training in the methodologies of technology planning;

(g) improve for the benefit of its member States, the terms and conditions under which technology is imported;

(h) promote within its member States the diffusion and dissemination of technology and also the collection and encouragement of the use of technological information;

(i) promote co-operation among countries of the African region particularly amongst its member States; and

(j) assess the social implications of the development, transfer, and adaptation of technology and promote the understanding of such implications.

ARTICLE 3

Functions of the Centre

For the purpose of achieving any of the objectives set out in Article 2 of this Constitution the Centre shall perform any or a combination of the following functions; that is to say to:

(a) on requests from Governments of its member States or institutions of technology within such member States, assist in the establishment of national institutions for the development, transfer and adaptation of technology;

(b) advise national institutions of its member States on the choice of technology;

(c) on request from Governments of its member States, identify and supply consultants to advise on matters relating to technology;

(d) promote through national institutions effective links between producers and users of technology at the national level within its member States;

(e) compile and maintain registers in the field of technology of:

(i) African research institutions, their programmes and achievements,

(ii) institutions outside Africa which are concerned with technologies relevant to the needs of its member States, and

(iii) available specialists in the various fields of technology within the Centre and elsewhere;

(f) organize training seminars and workshops on various aspects and problems in the field of technology;

(g) promote the exchange of technical, managerial and research personnel amongst its member States;

(h) assist in the training of technical and managerial personnel at various levels and in various sectors;

(i) identify and provide information on specific opportunities for training in the various fields of technology;

(j) promote and encourage as appropriate the orientation of education, training and curricula towards the technological needs of its member States;

(k) establish and maintain active relations with:

(i) national technology centres in Africa,

(ii) regional centres outside Africa which are engaged in activities similar to those of the Centre,

(iii) specialized regional or subregional organizations whose activities are relevant to those of the Centre,

(iv) relevant organs of the United Nations and other international agencies,

(v) existing technology information systems available within and outside the United Nations family, and

(vi) development financing institutions;

(l) on request from Governments of its member States assist them in identifying alternate sources of technology in various fields;

(m) assist in the training of specialist personnel in the:

(i) unpackaging of technology,

(ii) evaluation and assessment of technology,

(iii) negotiation of contracts and arrangements relating to the development, transfer and adaptation of technology, and

(iv) problems connected with industrial property rights;

(n) provide for its member States information and documentation services on the various fields of technology, in particular on:

(i) alternative technologies, and

(ii) alternative sources of technologies;

(o) co-operate with intergovernmental, public or private institutions engaged in development of methods to be applied in a unified approach to development planning;

(p) sponsor, promote and encourage original research in the forecasting, assessment and planning of technology;

(q) encourage the inclusion of courses in the methodology of technology planning in the education and training of development planners;

(r) assist its member States in the effective use of the international code of conduct for the transfer of technology and other relevant international agreements; and

(s) take such other steps as are related or incidental to the functions of the Centre or as may promote the attainment of the objectives of the Centre.

ARTICLE 4

Membership of the Centre

The member States of the Centre shall consist of such member States of the United Nations Economic Commission for Africa and the Organization of African Unity that adhere to this Constitution as provided for in Article 18 of this Constitution.

ARTICLE 5

Obligations of member States of the Centre

The member States of the Centre shall co-operate in every way with a view to assisting the Centre in achieving its objectives. They shall in particular use their best endeavours to:

(a) take all such steps as may be necessary to implement the decisions of the Council and the Executive Board;

(b) facilitate the collection, exchange and dissemination of information;

(c) submit such reports, agreements and information relating to the development, transfer and adaptation of technology they may possess as may be required by the competent organs of the Centre and which are not classified as confidential;

(d) make available training and research facilities on such terms and conditions as may be agreed upon with the competent organ of the Centre;

(e) make available national personnel for the operations and activities of the Centre on such terms and conditions as may be agreed upon with the competent organ of the Centre;

(f) pay their annual contributions as determined by the Council and such special contributions as may be determined by the Council or by mutual agreement for particular programmes or projects carried out in their territories and ensure a proper accounting for any grants or loans received from or through the good offices of the Centre; and

(g) accord such facilities, privileges and immunities as may be required under Article 14 of this Constitution.

ARTICLE 6

Organs of the Centre

The Centre shall have the following organs:

the Council,

the Executive Board,

the Secretariat, and

such other subsidiary organs as may be established in accordance with the provisions of this Constitution.

ARTICLE 7

The Council - establishment, composition and functions

1. There is hereby established the Council of the Centre (hereinafter referred to as "the Council"), which shall be the supreme policy-making organ of the Centre.

2. The Council shall consist of:

(a) the Minister or Commissioner responsible for technology in the Government of each member State of the Centre;

(b) the Executive Secretary of the United Nations Economic Commission for Africa or his representative; and

(c) the Administrative Secretary-General of the Organization of African Unity or his representative.

3. It shall in particular, for the purpose of the achievement of the objectives of the Centre:

(a) approve the general principles and policies governing the activities of the Centre;

(b) approve the work programme, budget and accounts of the Centre;

(c) determine the annual and special contributions to be paid by the member States of the Centre and matters related thereto;

(d) elect the members of the Executive Board, having regard to equitable geographical and linguistic distribution;

(e) appoint upon the recommendation of the Executive Board, the Executive Director and Deputy Executive Director of the Centre and prescribe for them their terms and conditions of service, provided that in making any appointment under this subparagraph the Council shall have regard to the desirability of appointing a person with considerable experience and qualifications in the fields of technology and development and in management of an institution similar to the Centre;

(f) consider proposals submitted to it by the Executive Board relating to the objectives of the Centre and to take decisions thereon for their implementation by the Centre or its member States;

(g) subject to the provisions of this Constitution, prescribe and/or approve the staff, financial and other regulations, including those relating to the secrecy of the Centre;

(h) select the location of the headquarters of the Centre;

(i) approve periodic reports on the activities of the Centre;

(j) establish such special or technical committees as it may deem necessary or desirable;

(k) generally perform such other functions as may be necessary, desirable or incidental to the achievement of the objectives of the Centre or which may contribute thereto.

ARTICLE 8

Sessions of the Council

1. The Council shall meet in ordinary session once every two years. It may meet in an extraordinary session if it so determines or if requested by at least two thirds of the member States of the Centre.

2. The ordinary and extraordinary sessions of the Council shall be held at the headquarters of the Centre unless convened elsewhere in pursuance of a decision taken at a previous session of the Council.

3. Decisions of the Council shall normally be by consensus.

4. Subject to this Constitution, the Council shall determine its own procedure including that for the convening of its sessions, quorum, the conduct of business thereat and at other times, and for the rotation of the office of Chairman and other offices among the members of the Council.

5. The provisions that the Council may make under paragraph 4 of this Article for the dispatch of business at times when it is not meeting, may, if it so determines, include arrangements under which the exercise of any function of the Council under this Constitution is delegated, subject to such conditions as the Council may specify, to a committee of the Council, the Executive Board or the Executive Director of the Centre.

6. The Council may on the recommendation of the Executive Board and subject to its procedure, invite such persons, Governments or institutions as it deems desirable to attend all or particular sessions of the Council as observers.

7. If a member of the Council is unable to attend a meeting of the Council and it is not convenient to postpone the meeting, the member State of the Centre which he represents may, by notice in writing delivered to the Executive Director of the Centre, appoint some other person who is a Minister or Commissioner as the case may be, or a Deputy, Junior or Assistant Minister of its Government to act as a member of the Council for that meeting, and a person so appointed shall, in respect of the meeting for which he is appointed to act, have all the rights and duties of a member of the Council.

ARTICLE 9

Executive Board - establishment, composition and function

1. There is hereby established the Executive Board of the Centre.

2. The Executive Board shall consist of:

(a) the Executive Secretary of the United Nations Economic Commission for Africa, ex officio, Chairman;

(b) one third of the number of the member States of the Centre elected by the Council in accordance with the provisions of sub-paragraph (d)

of paragraph 3 of Article 7, this Constitution, who shall hold office in accordance with the provisions of paragraph 3 of this Article;

(c) a representative of the Organization of African Unity;

(d) the Executive Director of the Centre, ex officio, in a consultative capacity, shall act as Secretary of the Executive Board;

(e) representatives of organs of the United Nations family desirous of assisting the Centre in the achievement of its objectives and whose activities are similar to those of the Centre as observers.

3. (a) one third of the member States as directed by the Council shall retire two years after they have been elected and shall be replaced by the same number of member States elected by the Council for that purpose;

(b) one third of the member States as directed by the Council shall retire three years after they have been elected and shall be replaced by the same number of member States elected by the Council for that purpose;

(c) the remaining one third of the member States shall retire four years after they have been elected and shall be replaced by the same number of member States elected by the Council for that purpose.

4. A member State of the Centre elected to serve on the Executive Board shall be represented thereon by the head of the national institution concerned with technology which the member State may designate for that purpose.

5. The Executive Board shall:

(a) subject to such directions of a general nature as the Council may give, have over-all responsibility for the execution of the work programme of the Centre and shall take all necessary steps to ensure the effective and rational execution of such work programme;

(b) consider the draft work programme and corresponding budget of the Centre submitted to it by the Executive Director of the Centre and submit them with such recommendations as it deems necessary for the approval of the Council;

(c) mobilize and co-ordinate assistance from co-operating Governments, States and institutions referred to in Article 13 of this Constitution;

(d) submit through its Chairman to each ordinary session of the Council a periodic report on the activities of the Centre including financial statements on its income and expenditure;

(e) propose for the consideration of the Council the annual and special contributions to be paid by member States of the Centre;

(f) determine from time to time, the offices of the Secretariat, other than those of the Executive Director and the Deputy Executive Director of the Centre and appoint persons to such offices;

(g) propose for the approval of the Council the staff, financial and other regulations including those relating to secrecy of the Centre;

(h) approve arrangements for the provision by the Centre of services in the field of technology to member States of the Centre;

(i) subject to such directions as the Council may give, supervise the co-ordination of the work of the Centre with that of such other institutions active or interested in the objectives of the Centre, as it may determine;

(j) recommend to the Council the persons to be appointed Executive Director and Deputy Executive Director of the Centre;

(k) establish such special or technical committees as it may deem necessary or desirable and prescribe for such committees rules for the conduct of their affairs; and

(l) exercise such other powers and perform such other functions as are conferred or imposed upon it by this Constitution.

6. The Executive Board may delegate any of the powers and functions conferred or imposed on it by this Article to a committee of the Executive Board, the Executive Director of the Centre or as provided for in this Constitution.

ARTICLE 10

Meetings of the Executive Board

1. The Executive Board shall meet in ordinary session once a year. It may meet in an extraordinary session if so requested by its Chairman or by two thirds of its members.

2. Meetings of the Executive Board shall be held at the headquarters of the Centre or such other convenient place as may be determined by the Executive Board.

3. Where for any reason the Chairman of the Executive Board is unable to attend a meeting of the Executive Board, the members of the Executive Board present shall elect from among themselves one of them to act as Chairman for that meeting.

4. Subject to the provisions of paragraph 3 of this Article, the Executive Board shall adopt its own procedure including that for the convening of the meetings, quorum and the conduct of business thereat and at other times.

5. Subject to such directives as the Council may give, the Executive Board may invite such persons and representatives of such Governments, or organizations other than those referred to in paragraph 2 of Article 9 of this Constitution, as it may deem necessary or desirable, to attend its meetings as observer.

ARTICLE 11

The Executive Director and the Secretariat

1. The Secretariat shall be headed by the Executive Director of the Centre who shall be appointed as provided for in this Constitution to serve in such office for a term of five years and be eligible for reappointment for another term of five years only.

2. The Executive Director of the Centre shall be the chief executive officer of the Secretariat. He shall in accordance with the policies, decisions and directives of the Council and the Executive Board, have responsibility for the organization, direction and administration of the Secretariat.

3. The Deputy Executive Director who shall assist the Executive Director of the Centre in the discharge of his functions, shall be appointed as provided for in this Constitution to serve for a term of five years and be eligible for reappointment for another term of five years.

4. The Executive Director of the Centre shall with the assistance of the other officials of the Secretariat among other things:

(a) service and assist the organs of the Centre in the performance of their functions;

(b) keep the functioning of the Centre under continuous examination and, where appropriate, report the results of his examination for action by the Council or the Executive Board;

(c) submit the draft work programme and corresponding budget of the Centre to the Executive Board for its consideration;

(d) submit periodic reports on the activities of the Centre including financial statements on its income and expenditure, to the Executive Board for its consideration;

(e) carry out the work programme of the Centre and co-ordinate the work of the Centre with that of such other institutions active or interested in the objectives of the Centre as the Executive Board may determine;

(f) undertake such work and studies and perform such services relating to the objectives of the Centre as may be assigned to him by the Council or the Executive Board and also make such proposals thereto as may assist in the efficient and harmonious functioning and development of the Centre, to the Council or the Executive Board as may be appropriate; and

(g) convene in consultation with the Chairman of the organs of the Centre the meetings of such organs in accordance with the provisions of this Constitution or as may be provided for thereunder.

5. The Executive Director of the Centre shall be entitled to attend and participate at all sessions of the organs of the Centre or be represented thereat by a senior official of the Secretariat designated by him except that with respect to the sessions of the Council or the Executive Board, only the Executive Director of the Centre or the person for the time being acting as such, shall attend and participate.

ARTICLE 12

Financial provisions

1. The financial resources of the Centre shall consist of annual and special contributions from the member States of the Centre; assistance, aid, loans, gifts, bequests or grants from Governments, international organizations, financial institutions, public or private institutions, associations, bodies or individual persons; and fees and other charges levied by the Centre for services rendered under the provisions of this Constitution.

2. Subject to such financial regulations as the Council may make, the budget of the Centre shall be administered by the Executive Director of the Centre under the supervision of the Executive Board.

3. The Executive Director of the Centre may with the approval of the Executive Board receive directly, gifts, bequests, aid and other resources from Governments, public, private and international institutions, associations, bodies or individual persons and from Governments, States or institutions with which the Centre has established relations under the provisions of Article 13 of this Constitution, and may for this purpose, enter into related agreements.

ARTICLE 13

Co-operating States and institutions

1. In pursuance of its objectives, the Council may seek and maintain active co-operation with Governments or States not parties to this Constitution and with institutions (collectively referred to in this Constitution, as "co-operating States and institutions"), which are desirous of assisting the Council or its member States in achieving the objectives of the Council.

2. Subject to the provisions of this Constitution, the Council may enter into arrangements with co-operating States and institutions, defining methods of co-operation in general or relating to individual activities or projects.

3. The Executive Board may entrust the United Nations Economic Commission for Africa on behalf of the Centre with:

(a) the collection of and the accounting for contributions due from member States of the Centre under the provisions of this Constitution; and

(b) seeking assistance from co-operating States and institutions for the implementation of approved projects of the Centre and acting as executing agency in respect of such projects in respect of which it has been able to obtain assistance from co-operating States and institutions under the provisions of this subparagraph.

4. The United Nations Economic Commission for Africa shall, through its representative, keep the Council and the Executive Board, as the case may be, informed of contributions and assistance received and acts undertaken by the United Nations Economic Commission for Africa under the provisions of paragraph 3 of this Article.

ARTICLE 14

Status, capacity, privileges and immunities

1. To enable it to achieve its objectives and perform the functions with which it is entrusted, the Centre shall possess in the territory of each member State of the Centre juridical personality. For these purposes, the status, capacity, privileges, immunities and exemptions set forth in paragraphs 2 to 11 of this Article shall be accorded to the Centre in the territory of each member State of the Centre.

2. The Centre shall for the purposes of this Constitution have the capacity:

(a) to enter into contracts;

(b) to acquire and dispose of immovable or movable property; and

(c) to institute legal proceedings.

3. The Centre, its property and assets shall enjoy immunity from every form of legal process except insofar as in any particular case it has, through the Executive Director of the Centre, expressly waived its immunity:

Provided however that no waiver of immunity shall extend to any measure of execution.

4. The headquarters of the Centre shall be inviolable. The property and assets of the Centre shall be immune from search, requisition, confiscation, expropriation, and any other form of interference whether by executive, administrative, judicial or legislative action.

5. The archives of the Centre, and in general all documents belonging to it or held by it, shall be inviolable.

6. The Centre, its property, assets, income and transactions shall be exempt from all taxation and from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Centre for its official use. The Centre shall also be exempt from any obligation relating to the payment, withholding or collection of any tax or duty, in accordance with existing practices as applied to the United Nations Economic Commission for Africa and the Organization of African Unity.

7. Representatives of the member States of the Centre who are not otherwise officials of the United Nations or of the specialized agencies of the United Nations, shall enjoy such privileges and immunities as are provided for mutatis mutandis by Article IV of the Convention on Privileges and Immunities of the United Nations.

8. Officials of the Centre who are not otherwise officials of the United Nations or of the specialized agencies of the United Nations shall enjoy such privileges and immunities as are provided for mutatis mutandis by Article V of the Convention on Privileges and Immunities of the United Nations.

9. Without prejudice to the foregoing provisions, the member States of the Centre undertake to accord to all representatives of the member States of the Centre, all officials of the Centre, representatives of the Organization of African Unity and co-operating States and institutions and experts providing advice or assistance to the Centre, such facilities and courtesies as are necessary for the exercise of their functions in connexion with the Centre.

10. The Executive Director of the Centre shall have the right and duty to waive the immunity of any official of the Centre who is not an official of the United Nations or of a specialized agency of the United Nations in cases where in his opinion the immunity would impede the cause of justice and can be waived without prejudice to the interest of the Centre.

11. All persons undergoing training or taking part in a scheme for the exchange of personnel at the headquarter of the Centre or organized elsewhere within the territory of a member State of the Centre in pursuance of the provisions of this Constitution shall have the right of entry into, sojourn, or exit as is necessary for the purpose of their training or the exchang of personnel. They shall be granted facilities for speedy travel and visas, where required, shall be granted promptly and free of charge.

12. Officials of the United Nations or specialized agencies of the United Nations performing functions in connexion with the Centre shall respectively enjoy appropriate privileges and immunities provided under the Convention on Privileges and Immunities of the United Nations and the Convention on Privileges and Immunities of the Specialized Agencies.

13. The Centre shall co-operate at all times with the appropriate authorities of the member States of the Centre to facilitate the proper administration of justice, secure the observance of national laws and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities mentioned in this Article.

14. The Executive Director of the Centre shall conclude with the member State in whose territory the headquarters of the Centre is established an agreement concerning the privileges and immunites to be granted to the Centre.

ARTICLE 15

Amendments

1. Any member State of the Centre may submit proposals for the amendment of this Constitution.

2. Any such proposals shall be submitted to the Executive Director of the Centre who shall transmit them to the other member States of the Centre.

3. The Constitution shall be amended by a two-thirds majority of the member States of the Council.

4. The Council shall make rules for the application of the provision of this Article.

ARTICLE 16

Withdrawal and suspension

1. Any member State of the Centre wishing to withdraw from the Centre shall give the Executive Director one year's notice in writing. If at the expiration of such period the notice is not withdrawn, the member State which submitted the notice shall cease to be a member of the Centre.

2. During the period of one year referred to in paragraph 1 of this Article, a member State of the Centre which has given its notice of withdrawal, shall have all the rights of a member State, observe the provisions of this Constitution and shall remain liable for discharge of its obligations thereunder.

3. (a) The Council may by a two-thirds majority of the votes of all the member States of the Centre suspend a member State which:

(i) In spite of written reminders has failed to meet its financial obligations towards the Centre for three consecutive years;

(ii) Has failed to fulfil its other obligations under this Constitution; or

(iii) Has failed to comply with the decisions of the Council.

(b) In suspending a member State under the provisions of subparagraph (a) of this paragraph, the Council may prescribe the duration of such suspension or the conditions in which such suspension shall take effect.

(c) Where the duration of a suspension or the conditions in which it shall take effect are not prescribed by the Council, may, as it deems fit, revoke such a suspension by a two-thirds majority of the votes of all the member States of the Centre.

(d) A member State of the Centre which is suspended under the provisions of subparagraph (a) of this paragraph shall, during the duration of its suspension and subject of the provisions of subparagraph (e) of this paragraph, cease to derive any benefit from the activities of the Centre or be represented on any of the organs of the Centre and shall be subject to such other disadvantages as the Council may determine.

(e) The suspension of a member State of the Centre shall not relieve that member State from the fulfilment of its financial obligations incurred prior to its suspension, unless the Council decides otherwise.

(f) The revocation of a suspension or the termination of voluntary withdrawal from the membership of the Centre shall be subject to such terms and conditions as the Council may stipulate and shall be communicated by the Executive Director to the member State concerned and to the Executive Secretary of the United Nations Economic Commission for Africa.

ARTICLE 17
Settlements of disputes

Any dispute that may arise among the member States or between a member State and any organ of the Centre other than the Council regarding the interpretation or application of the constitution shall, unless amicably settled, be referred to the Council, whose decision shall be final.

ARTICLE 18
Final and transitional provisions

1. This Constitution of which the English and French texts are equally authentic shall be deposited with the Executive Secretary of the United Nations Economic Commission for Africa.

2. The Constitution shall enter into force when signed on behalf of at least one quarter of the member States of the United Nations Economic Commission for Africa and the Organization of African Unity and shall be open for signature at the Meeting of Plenipotentiaries on the Centre held in Kaduna from 10 to 14 November 1977 and thereafter at the Office of the Executive Secretary of the United Nations Economic Commission for Africa.

3. Instruments of ratification, acceptance or approval shall be deposited with the Executive Secretary of the United Nations Economic Commission for Africa.

4. A State referred to in Article 4 of this Constitution which is desirous of becoming a member State of the Centre after the coming into force of this Constitution, may do so by depositing with the Executive Secretary of the United Nations Economic Commission for Africa its instrument of accession to this Constitution.

5. The Executive Secretary of the United Nations Economic Commission for Africa shall transmit certified copies of this Constitution and information concerning ratification, acceptance, approval or accession to this Constitution to member States of the Centre and all member States of the United Nations Economic Commission for Africa and the Organization of African Unity.

6. The Executive Secretary of the United Nations Economic Commission for Africa shall call the first meeting of the Council and until the Centre is established, its functions shall be performed by the Secretariat of the United Nations Economic Commission for Africa.

IN WITNESS WHEREOF the undersigned ACCREDITED PLENIPOTENTIARIES being duly authorized by their respective Governments have signed this Constitution on the dates appearing under their signature.

Country	Name and signature of Plenipotentiary	Date
Algeria		
Angola		
Benin		
Botswana		
Burundi		
Cameroon		
Cape Verde		
Central African Empire		
Chad		
Comoro		
Congo		
Djibouti		
Egypt		
Equatorial Guinea		
Ethiopia		
Gabon		

Country	Name and signature of Plenipotentiary	Date
Gambia		
Ghana		
Guinea		
Guinea-Bissau		
Ivory Coast		
Kenya		
Lesotho		
Liberia		
Libya		
Madagascar		
Malawi		
Mali		
Mauritania		
Mauritius		
Morocco		
Mozambique		
Niger		
Nigeria		

Country	Name and signature of Plenipotentiary	Date
Rwanda		
Sao Tome and Principe		
Senegal		
Seychelles		
Sierra Leone		
Somalia		
Sudan		
Swaziland		
Togo		
Tunisia		
Uganda		
United Republic of Tanzania		
Upper Volta		
Zaire		
Zambia		